

State of New Jersey  
Department of Labor and Workforce Development  
Board of Review

## MEMORANDUM

**To:** Joseph Sieber, Chairman;  
Gerald Yarbrough, Vice Chairman;

**FROM:** Joan B. Futterman, Acting Board Member  
Board of Review

**Subject:** Minutes of the February 19, 2014  
Board of Review Meeting

**Date:** February 24, 2014

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, February 19, 2014, at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. **The next regular meeting of the Board of Review is scheduled for Wednesday, February 26, 2014, at 9:00 a.m.** at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Sieber, Chairman  
Ms. Futterman, Acting Board Member

2. Following a motion by Ms. Futterman and seconded by Mr. Sieber, the minutes of the January 29, 2014 meeting were approved.

3. New Business

(a) 434,975

Ms. Futterman presented this matter regarding whether the claimant's behavior justifies a misconduct disqualification. The Appeal Tribunal held that the claimant was discharged for simple misconduct connected to the work and the claimant disqualified for benefits under N.J.S.A. 43:21-5(b). The Board, after a discussion, voted to affirm the decision of the Appeal Tribunal. Ms. Futterman will prepare the decision.

(b) 383,246

This matter, presented by Ms. Zola, is regarding whether the claimant's discharge, after his refusal to follow the instructions of the employer, constitutes misconduct connected to the work. The Appeal Tribunal held the claimant disqualified for benefits on the ground that he refused an offer of suitable work, under N.J.S.A. 43:21-5(c). After consideration, the Board voted to modify the decision of the Appeal Tribunal and hold the claimant disqualified for benefits on the ground that he was discharged for simple misconduct connected to the work, in accordance with N.J.S.A. 43:21-5(b).

There being no further business to transact, a motion was made by Ms. Futterman to adjourn the meeting. Mr. Sieber seconded the motion.

SUBMITTED FOR APPROVAL:

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Joan B. Futterman  
Acting Board Member

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